

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed January 5, 2006. Claims 1-18 are pending in the application. In the Office Action the Examiner rejects Claims 1-18. To advance prosecution of this case, Applicant amends Claims 1, 2, and 4. In addition, Applicant adds new Claims 19-21. Applicant does not admit that any amendments are necessary due to any prior art or any of the Examiner's rejections. Applicant respectfully requests reconsideration and allowance of all claims.

**Section 102 Rejections**

The Examiner rejects Claims 1-6, 9-14, 17-18 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,941,996 issued to Smith et al. ("*Smith*"). Applicant respectfully requests reconsideration and allowance of Claims 1-6, 9-14, 17-18.

*Smith* fails to teach, suggest, or disclose each element of amended Claim 1. First, *Smith* fails to teach, suggest, or disclose "determining an urgency level associated with the alert condition" as recited, in part, in amended Claim 1. Second, *Smith* fails to teach, suggest, or disclose "determining whether to report the alert condition based at least in part on the urgency level and the severity level" as recited, in part, in amended Claim 1.

First, *Smith* fails to teach, suggest, or disclose "determining an urgency level associated with the alert condition" as recited, in part, in amended Claim 1. *Smith* discloses a system for retrieving and filtering event messages from a network of workstations. (*Smith*; col. 2, ll. 63-67; col. 3, ll. 1-7). The system in *Smith* is configured with different severity levels for different types of events. (*Smith*; col. 5, ll. 62-67). *Smith* discloses filtering and reporting the events "according to the severity level of the events." (*Smith*; col. 6, ll. 3-12). Despite describing a "severity level" of an event, *Smith* makes no mention of "an urgency level" of an event. There is nothing in *Smith* that teaches, suggests, or discloses "an urgency level" or "determining an urgency level" as recited, in part, in amended Claim 1. Indeed, the portion of *Smith* cited by the Examiner to reject this element of Claim 1 -- *Smith*, col. 5, ll. 53-61 -- only makes reference to "severity level" and not to an "urgency level." Because *Smith* fails to teach, suggest, or disclose these aspects of amended Claim 1, *Smith* fails to support the rejection.

Second, *Smith* fails to teach, suggest, or disclose "determining whether to report the alert condition based at least in part on the urgency level and the severity level" as recited, in

part, in amended Claim 1. As explained above, *Smith* discloses a system that reports events “according to the severity level of the events.” (*Smith*; col. 6, ll. 3-12). However, *Smith* fails to teach, suggest, or disclose “the urgency level” as recited, in part, in amended Claim 1. Therefore, *Smith* fails to teach, suggest, or disclose “determining whether to report the alert condition based at least in part on the urgency level *and* the severity level” as recited, in part, in amended Claim 1. (Emphasis added). Because *Smith* fails to teach, suggest, or disclose this aspect of amended Claim 1, *Smith* fails to support the rejection. For at least these reasons, Applicant respectfully requests reconsideration and allowance of amended Claim 1.

The Examiner rejects Claims 9, 17, and 18 based on rationale analogous to that used with respect to Claim 1. Accordingly, for reasons analogous to those stated above, Applicant respectfully requests reconsideration and allowance of Claims 9, 17, and 18.

Claims 2-6 and 10-14 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by *Smith*. First, *Smith* fails to teach, suggest, or disclose “determining an importance level associated with the object” as recited, in part, in amended Claim 2. Second, *Smith* fails to teach, suggest, or disclose “determining a level of risk associated with the alert condition” as recited, in part, in amended Claim 4.

First, *Smith* fails to teach, suggest, or disclose “determining an importance level associated with the object” as recited, in part, in amended Claim 2. In addressing this aspect of Claim 2, the Examiner cites a portion of *Smith* that mentions the significance of an event. In particular, the cited portion recites that “[t]he messages are analyzed and filtered to prevent administrators from being bombarded by insignificant events.” (*Smith*; col. 5, ll. 8-13). Here, *Smith* describes the significance of an event. *Smith*, however, makes no mention of “an importance level associated with *the object*” as recited, in part, in amended Claim 2. (Emphasis added). Accordingly, *Smith* fails to teach, suggest, or disclose “determining an importance level associated with the object” as recited, in part, in amended Claim 2.

Second, *Smith* fails to teach, suggest, or disclose “determining a level of risk associated with the alert condition” as recited, in part, in amended Claim 4. In addressing this aspect of Claim 4, the Examiner cites a portion of *Smith* that discusses the detection of a pattern of events that precede a failure. In particular, the cited portion recites that “the pattern of events preceding the failure will be output to the log file with a high severity level, so that if the pattern occurs again, an agent will alert the administrator to a possible impending

failure.” (*Smith*; col. 5, ll. 43-52). Although *Smith* mentions a “high severity level,” *Smith* makes no mention of “a level of risk” or “determining a level of risk associated with the alert condition” as recited, in part, in amended Claim 4. Because *Smith* fails to teach, suggest, or disclose this aspect of amended Claim 4, *Smith* fails to support the rejection. For at least the foregoing reasons, Applicant respectfully requests reconsideration and allowance of Claims 2-6 and 10-14.

### **Section 103 Rejections**

The Examiner rejects Claims 7-8 and 15-16 under 35 U.S.C. 103(a) as being unpatentable over *Smith* in view of US. Patent No. 6,154,849 issued to Xia (“*Xia*”). Applicant respectfully requests reconsideration and allowance of Claims 7-8 and 15-16. Claim 7-8 and 15-16 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited references. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 7-8 and 15-16.

**CONCLUSION**

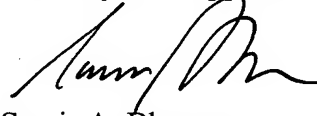
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Because Applicant hereby adds new Claims 19-21, Applicant submits herewith a check for \$250.00. Applicant believes no other fee is currently due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicant



Samir A. Bhavsar  
Reg. No. 41,617

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**CORRESPONDENCE ADDRESS:**

at Customer No.

**05073**